Previous references.

✓

190

(Sep Rev)

Later references.

File No. 18 of 1902-03

Serial Nos. 1 – 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 2

Part B. for

SUBJECT.

Refund of a 5 Re Stamp paper claimed by Messrs Barclay Orr & David of Madras - declined.

✓ Sl 1. From the Deputy Comm^r Bangalore Dt. no 1050 D 31.3.03

Submits for orders of Govt the application of Messrs Barclay Orr and David Solicitors, Madras, for the refund of the value of a spoiled stamp paper of the value of Rs 5/-

Sl 2. To the Deputy Comm^r Bangalore Dt. G.P.O. no 14 D 2.7.03.

Direct that the application under reference be rejected as the mere fact of using & spoiling a stamp paper, after it has been kept unused for more than six months from the date of purchase, cannot be entitle the purchaser to evade the time limit under Sec 54 of the Stamps Regulation.

G. R. S. 58

30 Sep: Rev 18 of 02-03

Sl 1

GL No 7 (133)

1902/03

From The Dy Commrs Secy
Bangalore District

To The Secy to the Govt
of Mysore
Rev Genl Depts

Dated 31st March
Despatched 1st April } 1903

Received

General No.
D No. 1058

Enclosure No. 2.

Submits for orders of Govt the application of messrs Barclay & Co and David Solicitors Madras for the refund of the value of a spoiled stamp paper of the value of Rs 5/-

2. 6. 03
am
3/4/03

General Records:

Please put up a copy of the Mysore Stamp Regn of 1900.

We have no copy; please enquire in the Govt offices

7/4/03

To

The Revenue Branch.

Please return or refer to the Stamp Regulation which was sent to you on 31-3-03 with this No. 1043 of 14-3-03

7/4/03

7/4/03

Records.

The file referred to has been submitted to the Secy on 4.4.03. It has not yet received back. Please therefore put up another copy for this letter.

7/4/03

To

The Revenue Branch.

A copy of Stamp Regulations herewith put up. Please return the same direct to this Records abandoned with

7/4/03

Submitted with note

5/5/03

ಕಿವಿಪಿಲ್ಲ ಅವರಿಗೆ -
ಬೆಂಗಳೂರು ನಾಡಕಚೇರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 27-9-99 ರಲ್ಲಿ ಸಂಖ್ಯೆ 716
ಕೆಲವು ಅಭಿಪ್ರಾಯಗಳನ್ನು 6.10.99 ರಲ್ಲಿ ಮುದ್ರಿಸಿ
ದು 3.2.1900 ರಲ್ಲಿ ಸಂಖ್ಯೆ 1559 ರಲ್ಲಿ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ
ಎಂದು 16.2.000 ರಲ್ಲಿ ಕಿವಿಪಿಲ್ಲ ಬರೆದಿರುವ
ಪತ್ರವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಇದ್ದಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿರುವ
ಬಗ್ಗೆ ಕಡತದಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿಯು ಲಭ್ಯವಿರುವುದಿಲ್ಲ
ಆದ್ದರಿಂದ ಇದರ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸಾಧ್ಯವಿಲ್ಲ
ಎಂದು ತಿಳಿಸಲಾಗಿದೆ. ಅಂತೆಯೇ ಈ ಕಡತವನ್ನು
ಮುಕ್ತಾಯಗೊಳಿಸಲಾಗಿದೆ. 7/5/03
12

Rev: Records:-

Please receive this and put up the references pointed out by the Ver: Records. 12/5/03

Please return or refer to the Stamp Regulation which was sent to you on 31-3-03 with this No. 1043 of 14-3-03

7/4/03

7/4/03

Records.

The file referred to has been submitted to the Secy on 4.4.03. It has not yet received back. Please therefore put up another copy for this letter.

7/4/03

D No 1258
Encl —

Bangalore District
Dy Commissioner's Office
Bangalore 31st March 1903

From,

H H Sharkey, Esq.,
Dy Commissioner,
Bangalore District.

To,

H. V. Ranjmbayya Esq., MRAS.,
Secy to the Govt of Mysore,
Rev Finl Depts.

Sir,

With reference to the Spoiled Stamp Paper (herein enclosed for reference) produced before me on 14th March 1903 for the refund of its value, I have the honor to state that it was purchased by the petitioner on the 24th July 1902 and kept with him unexecuted till the 10th February 1903 ie for a period of 6½ months. On this date as represented by the petitioner ie after it was retained for 6½ months unexecuted, it was spoiled in the course of its execution. Section 54 of the Stamp

Regulation

Regulation II of 1900 rules that Stamps rendered useless within 6 months after date of purchase are entitled to the refund of their value. Section 52 of the above Regulation, on the authority of which the present claim for refund is based clearly states that the value of the spoiled stamp papers may be refunded if claimed within 6 months from the date of their execution. Whether this provision modifies the purpose of Section 54 so much as to entitle a claim for refund many years after the date of purchase merely because they were attempted to be used within 6 months immediately preceding the application for refund is a moot point and there does not seem to be

Any

.3 particulars
any rule applicable to such cases. Therefore I
solicit definite instructions of Government
on the matter.

2. The petitioners application dated
3rd March 1903 and its enclosure, a spoiled
stamped paper of the value of Rs 5/- are,
hereto, attached for reference and
obliging return with order.

I have the honor to be,

Sir,

Your most obedient Servant,

H H Spoerry

Dy Commissioner

CC

Draft for A.F.C 4/3

Read Sep. Rev. 7.40/8 No 2 vs 3
dl 2.

Letter no: D 1058 & 31.3.03
from the Dy Comr, Bangalore
District, Submitting for
orders an application from
Mess: Barclay Orr and
David, Solicitors Madras,
for the refund of the value
of a Stamp paper under
the following circumstances:

A Stamp paper of the
value of Rs 5/ was purchased
by the applicants on 24.7.02
and kept unused till 10.2.03,
when it was spoiled in the
course of its execution. The
Stamp paper was produced
before the Dy Comr on 4.3.03
for refund under Section
5`2 of the Impsore Stamp Regn

The Dy Comr entertains a doubt as to whether
the purchaser of a stamp
paper is entitled to the
refund of its value under
Sec 5`2 many years after it

was

was purchased merely
because he attempted to use
it within 6 months immediately
preceeding the application
for refund.

Order thereon.

D. ✓
Do H 14 J 2-7-03
7
Eu 7

Govt observe that
the mere fact of ~~cording a~~ using & spoiling
~~few lines on~~ a stamp paper,
after it has been kept unused
for more than 6 months from
the date of purchase, cannot
entitle the purchaser to
evade the time limit under
Sec 54, and direct that the
application under reference
be rejected.

27/6/03

V
23/6/03 Secy
to G.
22/6/03

The Dy Comr, Bangalore District,
returning the enclosures.

Sep Rev 8 902-03

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject.

Refund of the value of a Stamp paper.

(Bangalore Dy Comrs letter no: D1058 dt. 31.3.03.)

Note.

A Stamp paper of the value of Rs 5/- was purchased by Messrs Barclay Ott and David, Solicitors, Madras on 24.7.02 for Mr J. G. S Lawrance B.A. L.L.B, Bellary Cantonment. The paper appears to have been kept unused till 10.2.03, (ie for a period of 6½ months from the date of its purchase) when it was spoiled in the course of the execution. The party claimed the refund of the value of the Stamp under Sec 52 of the Mysore Stamp Regulation on 4.3.03. The Dy Comrs submits the papers and states that Sec 54 rules that Stamps rendered useless within 6 months after date of

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

purchase are entitled to the refund of their value; and that Sec 52 lays down that the value of the spoiled stamp papers may be refunded if claimed within 6 months from the date of their execution. He solicits instructions as to whether Sec 52 modifies the purpose of Sec 54 and entitles parties to claim refund even many years after purchase of stamp papers merely because they were attempted to be used within 6 months immediately preceeding the application for refund.

Submitted for orders.

XX
5/5/03

There was a similar Case - Mat of a merchant in Nagarthapet Bangalore - Put it up for reference

VL
6/5/03

Submitted.

The required papers obtained from the Ver: Records ~~and~~ put up. Please See the office note and Hon: Councillor's orders.

Submitted

There was another

Case, more recent Put it up
within 3 days - and bring it
VR
14/6/03

Recd
15/6/03.

Submitted.

The references called for
are put up. Please see endorsement
× Paper with flag(B) no: H.247 & 28.7.02 on a petition from
Channai Nanjundappa of Nagarathpet
Bangalore city.

DLV.
20/6/03

Put up a draft order
on the lines pointed
out in B
VR 20/6/03

DLV
22/6/03

Submitted with a draft.
VR 23/6/03